



DEPARTMENT OF PERSONNEL

209 E. Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
www.state.nv.us/personnel/

MEMO PERD #42/01

December 10, 2001

TO: Agency Personnel Liaisons
Agency Personnel Representatives
Agency Payroll Clerks

FROM: Jeanne Greene, Director
Department of Personnel

SUBJECT: PAYMENT FOR SHIFT DIFFERENTIAL

We recently received an inquiry regarding payment for shift differential that prompted us to survey agencies regarding their shift differential practices. As a result of questions raised, we've received requests from several agency personnel representatives for additional clarification of the State's shift differential policy.

Per regulation, when an employee works a qualifying shift, he is entitled to payment for shift differential, which is an additional five percent for all hours worked in the shift. A "qualifying shift" is defined as a period of work of at least eight hours, of which four hours must fall between 6:00 p.m. and 7:00 a.m. The intent of this language is to permit any period of work of at least eight hours to qualify for shift differential if four hours fall between 6:00 p.m. and 7:00 a.m.

Question: If the employee's normal shift does not qualify for shift differential, i.e., his shift is 8:00 a.m. to 5:00 p.m., but the employee is asked to work overtime from 5:00 p.m. to 10:00 p.m., does his 13-hour period of work qualify for shift differential?

Answer: The regulation is intended to allow any period of work, including overtime hours, to meet the condition of a qualifying shift. Therefore, the employee would qualify for 13 hours of shift differential pay. However, those overtime hours must be worked immediately before

or after the employee's normal shift. For example, if an employee normally works an eight-hour shift from 8:00 a.m. to 5:00 p.m. and completes his normal shift but is subsequently called back to work at 8:00 p.m. until 12:00 a.m., he is not entitled to shift differential.

Question: Do the qualifying hours have to be worked consecutively? For example, if the employee works two hours of overtime from 6:00 a.m. to 8:00 a.m. and four more overtime hours from 5:00 p.m. to 9:00 p.m., does his entire 15-hour shift qualify for shift differential pay?

Answer: The qualifying hours do not have to be consecutive; therefore, the employee would be entitled to 15 hours of shift differential.

Question: Would an employee who normally works an eight-hour, split shift qualify for shift differential if four hours of his shift fall between 6:00 p.m. and 7:00 a.m. For example, the employee normally comes in at noon and works until 4:00 p.m. and then returns at 8:00 p.m. and works until midnight.

Answer: Although the regulations do not directly address this situation, agencies have historically allowed the shift to qualify for shift differential. Based on the fact that shift differential pay is provided as an incentive for employees to work beyond a normal daytime shift, we support this practice.

I hope this clarifies the questions that have risen regarding shift differential. If you have any further questions, please call Theresa Conner at 687-3702 or Phil Hauck at 684-0130.

JG:cp

cc: Theresa Conner, Payroll Manager, Department of Personnel
Phil Hauck, Supervising Personnel Analyst, Department of Personnel